

REMARKS

In the Office Action¹, the Examiner rejected claims 1-9, 11, 12, 14, 26-32, 35, 36, and 38 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,889,246 to Kawamoto et al. ("*Kawamoto*") in view of U.S. Patent No. 6,449,219 to Hepp et al. ("*Hepp*"); and rejected claims 13 and 37 under 35 U.S.C. § 103(a) as being unpatentable over *Kawamoto* in view of *Hepp*, and further in view of U.S. Patent No. 6,628,974 to Lim ("*Lim*").

Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-9, 11, 12, 14, 26-32, 35, 36, and 38 because a *prima facie* case of obviousness has not been established with respect to these claims.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2142, 8th Ed., Rev. 5 (August 2006). Moreover, "in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed." USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2.

A *prima facie* case of obviousness has not been established because, among other things, *Kawamoto* and *Hepp*, when taken alone or in any proper combination, fail to teach or suggest each and every element of Applicant's claims.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Claim 1 recites a combination including, for example:

a plurality of hand held terminal devices . . .

an information distribution apparatus . . .

display means . . .

wherein the watch information is displayed on the display means of the plurality of hand held terminal devices as a video image that depicts at least a current time, and

wherein the information distribution apparatus distributes additional information comprising advertisement information to the plurality of hand held terminal devices at the same time as the watch information so that the additional information is displayed on a portion of the display means of the plurality of hand held terminal devices.

(emphasis added). *Kawamoto* does not teach or suggest at least these elements.

Kawamoto discloses a network server and terminal device that “transmit various information to a user being the destination of the information” (col. 1, lines 37-38). The Examiner cites Fig. 1, ref. 23A, 23B, and 23C to allegedly disclose the claimed “additional information comprising advertisement information” (Office Action at page 2). This is not correct.

Ref. 23A, 23B, and 23C of *Kawamoto* correspond to a cable interface, a radio interface, and a broadcast interface (col. 3, lines 2-3). There is no teaching or suggestion in *Kawamoto* that these interfaces distribute or comprise “advertisement information.” *Kawamoto* is silent regarding any type of “advertisement information.” Therefore, *Kawamoto* does not teach or suggest the claimed combination of elements including, for example, “wherein the information distribution apparatus distributes additional information comprising advertisement information to the plurality of hand held terminal devices at the same time as the watch information so that the additional

information is displayed on a portion of the display means of the plurality of hand held terminal devices,” as recited in claim 1.

The Examiner states that *Kawamoto* does not disclose “wherein the watch information is displayed on the display means of the plurality of hand held terminal devices as a video image that depicts at least a current time, and the additional information being an advertisement information” (Office Action at pages 2-3). However, the Examiner relies on *Hepp* to cure the deficiencies of *Kawamoto*. Applicant respectfully disagrees.

Hepp discloses creating a computer based timepiece that represents the time of day on an optoelectronic display by using a dynamic representation including the timepiece and the time of day on the one hand and additional information generated by an animation program (column 1, lines 57-67). The Examiner asserts that col. 4, lines 59-60 discloses the claimed “additional information.” This is not correct.

This passage of *Hepp* states, “additional information relates to geographical information on the one hand, namely e.g., the horizon 5, and to information specifically connected to the course of time on the other hand. . . .” This passage and all other passages of *Hepp* are silent regarding “additional information comprising advertisement information.” While *Hepp* recites the words “additional information,” this information relates to geographical and time information, not “advertisement information.”

Therefore, *Hepp* does not teach distributing “additional information comprising advertisement information to the plurality of hand held terminal devices at the same time as the watch information so that the additional information is displayed on a portion of the display means of the plurality of hand held terminal devices”, as recited in claim 1.

Accordingly, *Kawamoto* and *Hepp* fail to establish a *prima facie* case of obviousness with respect to claim 1, at least because the references fail to teach each and every element of the claim. Claims 2-9, 11, 12, and 14 depend from claim 1 and are thus also allowable over *Kawamoto* in view of *Hepp*, for at least the same reasons as claim 1.

Independent claim 26, though of different scope from claim 1, recites limitations similar to those set forth above with respect to claim 1. Claim 26 is therefore allowable for at least the reasons presented above. Claims 27-32, 35, 36, and 38 depend from claim 26 and are thus also allowable over *Kawamoto* in view of *Hepp*, for at least the same reasons as claim 26.

Although the Examiner cites *Lim* in the rejection of dependent claims 13 and 37, Applicant respectfully asserts that *Lim* fails to cure the deficiencies of *Kawamoto* and *Hepp* discussed above.

In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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